Indiana Department of Workforce Development - Regulatory Oversight & Compliance (ROC) Division Equal Opportunity Monitoring Tool

| Date | LWDA & Monitoring Location | |
|--------------|----------------------------|--|
| DWD Monitors | Local EO Officer | |

 $\hfill\Box$ Complete and submit the Equal Opportunity Survey (attached to Announcement Letter)

 $\hfill\square$ Submit an organizational chart showing Local EO Officer within the larger reporting structure

Equal Opportunity (EO) Initially Requested Documents

 \square Submit the job description for Local EO Officer

☐ Submit the local EO monitoring tool

☐ Submit the local EO policy

| WIOA EO Compliance Assessment Items | |
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| Local Equal Opportunity Officer: 38.28 - 38.31 | Requirement: Every recipient except small recipients and |
| Is the Local EO Officer ready to provide support? | service providers, as defined in §38.4 must |
| Benchmarks: | designate a recipient-level Equal Opportunity Officer (recipient-level EO |
| ☐ Recipient has designated a Local EO Officer | Officer), who reports directly to the |
| Local EO Officer's name, title/position, address, and telephone number have been made public at the local level (including on web-site); contact info appears on internal and external communications regarding nondiscrimination programs | individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment |
| ☐ Local EO Officer is a senior level employee of the recipient | Services, the Chair of the Local Workforce |
| Local EO Officer does not have other responsibilities that create a conflict or the appearance of a conflict with the responsibilities of an EO Officer | Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official. Local EO Officer has |
| ☐ Local EO Officer has sufficient staff and resources to carry out the EO requirements | sufficient staff and resources to carry out |
| ☐ Local EO Officer has a solid knowledge of the EO Regulations (29 CFR Part 38) | the EO requirements |
| Local EO Officer undergoes mandatory training to maintain competency with WIOA Section 188 and its E Regulations | Every recipient must ensure that the Local |
| Interview Questions and Responses: Where is the EO information and notice on your regional and board websites? Where is your contact information? | EO Officer has skill and ability to do the job. This includes the correct job description on their work profile, reporting to senior staff, and having sufficient manpower and resources to do their EO job related duties, training to staff, and tracking nondiscrimination activities. |
| Where is the EO information and notice in the office? Where is your contact information? | Additional Documents: |

| • | Do you feel that you have enough staff, time, and resources to carry out EO responsibilities? | · |
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| | | Comments: |
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| • | Describe the "positioning" of the EO Officer – where in organization, level of authority, who they report to, | |
| | etc. | |
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| • | How do you stay current on the EO regulations? What training(s) have you completed this program year that | |
| • | relate to EO? | |
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| • | What other job duties do you have outside your normal EO responsibilities? Do you feel that a conflict or | |
| | appearance of a conflict could or does exist with your responsibilities as an EO Officer? | |
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| OVERALL | CONCLUSION: | |
| The Regi | | |
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| ☐ has ta | ken minimal action | |
| ☐ is wor | king toward compliance | |
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| ☐ is in c | ompliance | |
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| | | Requirement: |
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| Does the | e Local EO Officer understand their roles and responsibilities? | An Equal Opportunity Officer is responsible |
| Benchma | rks: | for coordinating a recipient's obligations |
| | The Local EO Officer reviews the recipient's written policies to make sure that those policies are | under this part. Those responsibilities |
| | nondiscriminatory | include, but are not limited to: |
| | The Local EO Officer monitors and investigates the recipients and entities that receive WIOA Title I funds to | (a) Serving as a recipient's liaison with CRC; |
| | ensure compliance | (1) \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ |
| | The Local EO Officer tracks discrimination complaints filed against the recipient | (b) Monitoring and investigating the recipient's activities, and the activities of the |
| | The Local EO Officer provides local area staff with EO training | entities that receive WIOA Title I-financial |
| Interview | Questions and Responses: | assistance from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and |
| • | Please describe your responsibilities as the Local EO Officer? | equal opportunity obligations under WIOA Title I and this part, which includes |
| | | monitoring the collection of data required in this part to ensure compliance with the nondiscrimination and equal opportunity |
| | | requirements of WIOA and this part; |
| | | (c) Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory; |
| | | (d) Developing and publishing the recipient's procedures for processing discrimination complaints under §§38.72 through 38.73, including tracking the discrimination complaints filed against the recipient, developing procedures for investigating and resolving discrimination complaints filed against the recipient, making sure that those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint; |
| • | What process is used to review local policies and ensure that they are nondiscriminatory? | (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with §38.40 and how an individual may file a complaint consistent with §38.69; |
| | | (f) Undergoing training (at the recipient's expense) to maintain competency of the EO Officer and staff, as required by the Director; and |
| | | (g) If applicable, overseeing the development and implementation of the recipient's Nondiscrimination Plan under §38.54. |
| | | Additional Documents: |
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| Please describe your local EO monitoring and resolution process. | |
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| riease describe your local EO monitoring and resolution process. | Comments |
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| How often and when do staff trainings regarding EO topics occur? | |
| 10W offerfiand when do start trainings regarding to topics occur. | |
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| What topics related to EO are covered in training to staff? | |
| What topics related to 20 are covered in duming to stain. | |
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| OVERALL CONCLUSION: | |
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| The Region: | |
| ☐ has taken minimal action | |
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| ☐ is working toward compliance | |
| \square is in compliance | |
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| Notice and Communication: 38.34 – 38.40 | | Requirement: Recipients' obligations to disseminate equal |
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| What action has the recipient taken to follow notice and communication requirements in 38.34? | | opportunity notice. |
| Benchma | rks: | The notice must contain the specific wording |
| | "EO is the Law" poster is posted prominently, in reasonable numbers and conspicuous places, on | of 38.35 |
| | recipient's Web site pages, and in employee and participant handbooks | |
| | The EO tagline is printed in recruitment brochures and other materials that are distributed or | Recipients' obligations to publish equal |
| | communicated with participants and staff that describe requirements for participation | opportunity notice. |
| | All orientation sessions for new employees, new participants, and/or the general public include a | |
| | discussion of rights and responsibilities of the nondiscrimination and equal opportunity provisions of WIOA | Notice requirement for service providers. |
| | and the EO Regulations | Publications, broadcasts, and other |
| | Babel Notices written in multiple languages are included with vital documents | communications. |
| | Auxiliary aids or services are available in alternate formats (to ensure communication with individuals with | |
| | disabilities or LEP individuals is as effective as communications with others) | Communication of notice in orientations. |
| | and an action of the control of the | |
| Interview | Questions and Responses: | |
| IIICI VICW | Questions and responses. | Additional Documents: |
| • | How do you incorporate the EO notice about rights and responsibilities into orientation sessions for both | Copies of brochures and other |
| | participants and employees? | materials that contain tag line |
| | | Copies of documents with Babel |
| | | Notice attached |
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| | | Copies of employee and |
| | | participant handbooks |
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| | | Comments: |
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| • | How are you incorporating the EO tagline into various marketing materials? | |
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| How is information about assistive technology made available to those coming into the WorkOne? | |
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| In what communications are you including the Babel Notice? | |
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| OVERALL CONCLUSION: | |
| The Region: | |
| ☐ has taken minimal action | |
| ☐ is working toward compliance | |
| \square is in compliance | |
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| Assurance: | Requirement: Each application for financial assistance | |
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| Does the gr Section 188 | rantee provide a "Written Assurance" that complies with the recipient's obligation of WIOA 8? | under Title I of WIOA, as defined in §38.4, must include the following assurance: |
| Benchmarks | S: | As a condition to the award of financial |
| | Recipient is aware of its obligations and has the ability to comply with the nondiscrimination and equal opportunity provisions for the duration of the grant contract | assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with |
| | Recipient maintains a policy that describes how EO Regulations will be carried out | the nondiscrimination and equal opportunity |
| □ T | The required assurance language of 29 CFR Part 38.25, or a reference to it, is provided on all grant applications, agreements, and contracts | provisions of the following laws and will remain in compliance for the duration of the |
| ☐ Lo | ocal staff have reviewed and are aware of the current DWD EO policies and regional policies | award of federal financial assistance. |
| Interview Qu | uestions and Responses: | |
| • Т | Tell us about your Local EO policy. | Additional Documents: Sample OJT template and sample contract |
| | | |
| | | Comments: |
| | Discuss how you keep staff up to date on current DWD and regional EO policies. | |
| The Region ☐ has take | en minimal action ing toward compliance | |

| Affirmat | ive Outreach: 38.40 | Requirement: Recipients must take appropriate steps to |
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| | recipient taken appropriate steps to ensure that they are providing equal access to their WIOA nancially assisted programs and activities? | ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should |
| Benchma | rks: | involve reasonable efforts to include |
| | The recipient conducts affirmative outreach to certain target groups | members of the various groups protected by |
| | The recipient advertises its programs and/or activities that specifically target various populations in the | these regulations including but not limited |
| | media, such as newspapers or radio programs | to persons of different sexes, various racial |
| | The recipient sends appropriate notices about openings in its programs and/or activities to schools or | and ethnic/national origin groups, various religions, individuals with limited English |
| | community service groups that serve various populations | proficiency, individuals with disabilities, and |
| | The recipient consults with appropriate community service groups about ways to improve its outreach and | individuals in different age groups. Such |
| | service to various populations | efforts may include, but are not limited to: |
| Interview • | Questions and Responses: What are some affirmative outreach efforts occurring in your region? | (a) Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations; (b) Sending notices about openings in the recipient's programs and/or activities to |
| | | schools or community service groups that serve various populations; and (c) Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations. |
| | | Additional Documents: Copies of their outreach efforts, such as advertisements to the newspaper, radio, recruitment brochures, and presentations |
| • | What group(s) of people are targets for outreach in your region? How do you determine what group(s) of people need to be targeted for outreach? | |
| | | Comments: |
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| Regarding LEP specifically, what efforts have been made in your region to provide equal access? (Example: | |
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| affirmative outreach efforts) | |
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| What community service groups do you work with that include members of the various groups protected by | |
| What community service groups do you work with that include members of the various groups protected by the EO regulations? | |
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| the EO regulations? | |
| OVERALL CONCLUSION: | |
| OVERALL CONCLUSION: The Region: | |
| OVERALL CONCLUSION: The Region: has taken minimal action | |
| OVERALL CONCLUSION: The Region: has taken minimal action is working toward compliance | |
| OVERALL CONCLUSION: The Region: has taken minimal action | |

| Accessib | ility: 38.13 | Requirement: Physical accessibility. No qualified individual |
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| Is the recipient meeting its physical and programmatic accessibility obligations for individuals with disabilities? | | with a disability may be excluded from participation in, or be denied the benefits of |
| Benchma | rks: | a recipient's service, program, or activity or be subjected to discrimination by any |
| | Individuals with disabilities have adequate parking spaces | recipient because a recipient's facilities are |
| | Individuals with disabilities have appropriate wheelchair accessibility (doors, space allowances, ramps, access routes) | inaccessible or unusable by individuals with disabilities. |
| | Individuals with disabilities have appropriate restroom accommodations | |
| | Individuals with disabilities are afforded the opportunity to participate in services or training that is equal | Programmatic accessibility. All WIOA Title I- |
| | to or as effective as provided to non-disabled participants | financially assisted programs and activities must be programmatically accessible, which |
| | Individuals with disabilities have been provided adequate working assistive technology, as needed | includes providing reasonable |
| | • | accommodations for individuals with |
| | Staff has been trained on use of the assistive technology to properly assist participants | disabilities, making reasonable modifications |
| | Meaningful accommodations are provided regarding registration for the provision of aid, benefits, services | to policies, practices, and procedures, |
| Interview | Ouestions and Responses: Describe the assistive technology provided to individuals with disabilities. | administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the |
| • | How have staff been trained on the use of the assistive technology to ensure that they can properly assist participants? | Additional Documents: Copy of any ADA survey updates Comments: |
| • | Do you have outstanding issues that make any offices noncompliant with the requirements of physical or programmatic accessibility? | |

| Are there any updates to the ADA survey that you can provide? |
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| OVERALL CONCLUSION: The Region: |
| □ has taken minimal action |
| ☐ is working toward compliance |
| □ is in compliance |

| Data and Information Collection/Maintenance: 38.41 | | Requirement: Recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, exited participant, applicant for | | |
|--|--|--|--|--|
| Does the region collect and maintain data and other information securely to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA? | | | | |
| Benchma | rks: | employment, and employee. Recipient must | | |
| | Regional staff tracks applicants, registrants, eligible applicants, eligible registrants, participants, exited participants, employees, and applicants for employment | also record limited English proficiency and preferred language of each applicant, registrant, participant, and exited | | |
| | Regional staff tracks race/ethnicity, sex, age, and where known, disability status, of every applicant, | participant. Such information must be stored | | |
| | registrant, participant, exited participant, applicant for employment, and employee | in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting and | | |
| | Regional staff tracks limited English proficiency and preferred language of each applicant, registrant, participant, and exited participants | | | |
| | Beneficiaries/participants files are free of subjective and/or inappropriate remarks and comments such as on medical and disability information | determining eligibility where appropriate. | | |
| | All medical or disability-related information, whether in hard copy, electronic, or both, is maintained in a SEPARATE file and treated as confidential | | | |
| | Beneficiaries/participants sign the state's program application/enrollment form (i.e., client application for ICC); acknowledgment of EO notice | Additional Documents: Request from PROGRAM monitors: Follow up after site visit to report on how medical records are kept private, separate and confidential. | | |
| | Beneficiaries/participants files are retained for at least three (3) years after close of the applicable program year | | | |
| | Such information above is used only for the purposes of recordkeeping, reporting, and determining | | | |
| | eligibility where appropriate The recipient ensures that eligibility criteria that can screen out or tend to screen out an individual with a | | | |
| | disability is not being utilized unless such criteria can be shown as necessary | | | |
| • | What procedures are in place to ensure that medical and disability related information is being maintained securely and separately from other client information? Who has access to medical and disability related information for applicants, registrants, eligible applicants, participants, exited participants, employees, and applicants for employment? | Comments: Discuss the fix for limited disability changes fix in ICC. | | |
| The Reg ☐ has to ☐ is wo | aken minimal action rking toward compliance | | | |
| is in compliance | | | | |

| Complaint Records: 38.69 – 38.72 | Requirement: A person, or any specific class of individual, has been or is being discriminated against on | |
|---|--|--|
| Has Recipient addressed and logged complaints in accordance with EO Regulations? | | |
| Benchmarks: The recipient has published procedures for processing complaints in accordance with 29 CFR Part 38 The Local EO Officer maintains a log of complaints for the entire region The Local EO Officer submits a copy of the log for their region to DWD every quarter | the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship | |
| □ Complaints of discrimination are retained for a period of no less than three (3) years after resolution □ Each Notice of Final Action was issued within 90 days of the date the complaint was filed | status, or participation in any WIOA Title I- | |
| Interview Questions and Responses: How are staff made aware of the policy and the procedures for complaint processing? | prohibited by WIOA or EO Regulations. Generally, a complaint must be filed within 180 days of the alleged discrimination or | |
| | Additional Documents: Copy of complaint processing procedures | |
| How are you keeping track of your region's complaints? | | |
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| Do you have any specific and/or current complaints that you would like to share or need assistance with? | Comments: | |
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| OVERALL CONCLUSION: The Region: has taken minimal action is working toward compliance is in compliance | | |

| Discuss past findings or areas of concerns to inquire how that has been going for them this year Discuss past findings or areas of concerns to inquire how that has been going for them this year | Evaluation of Compliance: 38.60 | Notes about past or unresolved compliance issues/complaints: |
|--|--|--|
| Discuss past findings or areas of concerns to inquire how that has been going for them this year | Is the recipient meeting its overall compliance obligations? | issues/complaints. |
| | Discuss past findings or areas of concerns to inquire how that has been going for them this year | |
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| OVERALL CONCLUSION: The Region: | | |
| □ has taken minimal action | | |
| ☐ is working toward compliance | | |
| ☐ is in compliance | | |

Revised July 2019